

MAR. 21. 2019 3:00PM COTCHETT, PITRE&MCCARTHY

NO. 2196 F. 2

1 NIALL P. McCARTHY (SBN 160175)
nmccarthy@cpmlegal.com
2 JUSTIN T. BERGER (SBN 250346)
jberger@cpmlegal.com
3 MALLORY A. BARR (SBN 317231)
mbarr@cpmlegal.com
4 COTCHETT, PITRE & McCARTHY, LLP
San Francisco Airport Office Center
5 840 Malcolm Road
Burlingame, CA 94010
6 Telephone: (650) 697-6000
Facsimile: (650) 697-0577

Attorneys for Quentin L. Kopp

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

QUENTIN L. KOPP,

Plaintiff,

v.

THE UNITED STATES SECRET SERVICE

Defendant

CASE NO. 3:18-cv-04913-JCS

**DECLARATION OF QUENTIN L. KOPP IN
SUPPORT OF PLAINTIFF QUENTIN L.
KOPP'S MOTION FOR ATTORNEYS'
FEES**

Date: May 3, 2019

Time: 9:30 a.m.

Ctrm: G, 15th Floor

Judge: Chief Magistrate Judge Joseph C. Spero

**DECLARATION OF QUENTIN L. KOPP IN SUPPORT OF PLAINTIFF QUENTIN L.
KOPP'S MOTION FOR ATTORNEYS' FEES**

MAR 21 2019 3:00PM COTCHETT, PITRE&MCCARTHY

NO. 2196 P. 3

1 I, Quentin L. Kopp, declare:

2 1. I am the Plaintiff in this matter. I submit this declaration in support of my Motion for
3 Attorneys' Fees. If called as a witness, I could and would competently testify to all facts herein.

4 2. On February 27, 2018, I mailed a request for information under the Freedom of
5 Information Act for public records concerning the costs incurred by the United States Secret Service
6 when it accompanied Donald Trump Jr. on a business trip to and from India in February 2018. A true
7 and correct copy of that request is attached hereto as Exhibit 1.

8 3. My desire in seeking the information was not for any commercial benefit.

9 4. I received a letter from Kim E. Campbell, Special Agent In Charge and Freedom of
10 Information Act & Privacy Act Officer at the Department of Homeland Security, dated May 15, 2018,
11 acknowledging receipt of my February 27, 2018 request. The letter identified my requests with file
12 numbers 20180820 – 20180822. A true and correct copy of that request is attached hereto as Exhibit
13 2.

14 5. On May 29, 2018, I mailed a letter responding to the request for more information in
15 Agent Campbell's May 15, 2018 letter. A true and correct copy of that request is attached hereto as
16 Exhibit 3.

17 6. My May 29, 2018 letter to the Secret Service was not returned to me as undeliverable.

18 7. I did not receive any correspondence from the Secret Service notifying me that my file
19 had been closed.

20 8. I did not receive any correspondence from the Secret Service notifying me of either a
21 denial of my request or any forthcoming production of documents in response to my request prior to
22 filing my Complaint on August 14, 2018.

23 I declare under penalty of perjury of the laws of the United States of America that the
24 foregoing is true and correct. Executed this 21st day of March, 2019, in San Francisco, California.

25 
26 QUENTIN L. KOPP
27
28

©
LAW OFFICES
COTCHETT, PITRE &
MCCARTHY, LLP
**DECLARATION OF QUENTIN L. KOPP IN SUPPORT OF PLAINTIFF QUENTIN L.
KOPP'S MOTION FOR ATTORNEYS' FEES**

EXHIBIT 1

Quentin L. Kopp
380 West Portal Avenue
San Francisco, CA 94127
(415) 618-5555 quentinlkopp@gmail.com

February 27, 2018

COPY

U.S. Secret Service
Office of Government and Public Affairs
245 Murray Ln.
Washington, DC 20223

Dear Ladies and Gentlemen,

Pursuant to the Freedom of Information Act, I request public records which show the following:

- (1) The number of Secret Service personnel and their job descriptions accompanying Donald Trump, Jr. to and from India this week;
- (2) The cost of the transportation, meals, lodging, salaries, and all other emoluments for all Secret Service personnel on such trip;
- (3) Any rules of Secret Service relating to justification, responsibility, and duties of Secret Service detail members on such trip, plus the dates of departure and return.

Please respond within the time required by the United States Code

Yours truly,

Judge Quentin L. Kopp (Ret.)



EXHIBIT 2



DEPARTMENT OF HOMELAND SECURITY
UNITED STATES SECRET SERVICE
WASHINGTON, D.C. 20520

Freedom of Information Act & Privacy Act Program
Communications Center
245 Murray Lane, S.W., Building T-5
Washington, D.C. 20523

Date: MAY 15 2018

Quentin Kopp
380 West Portal Avenue
San Francisco, CA 94127
quentin.kopp@gmail.com

File Number: 20180820-20180822

Dear Requester:

This letter is intended to acknowledge the receipt of your recent Freedom of Information Act (FOIA) request, received by the United States Secret Service (Secret Service) on April 11, 2018, for information pertaining to:

File Number 20180820: The Number of Secret Service personnel, and their job descriptions, accompanying Donald Trump, Jr. to and from India the week of February 27, 2018;

File Number 20180821: The cost of the transportation, meals, lodging, salaries, and all other emoluments for all Secret Service personnel on such trip; and

File Number 20180822: Any rules of the Secret Service relating to justification, responsibility, and duties of Secret Service detail members on such trip, plus the dates of departure and return.

We have determined that your request is too broad in scope, or that your request did not specifically identify the records which you are seeking. Records must be described, in reasonably sufficient detail, to enable Secret Service employees who are familiar with the subject area to locate records without placing an unreasonable burden upon the agency.

Pursuant to the FOIA regulations, 6 C.F.R., Part 5, Subpart A § 5.3(b), you are required to describe the records you are seeking with as much information as possible to ensure that our search can locate them with a reasonable amount of effort. Whenever possible, a request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. If known, you should include any file designations or descriptions for the records that you want. As a general rule, the more specific you are about the records or type of records that you want, the more likely our agency will be able to locate those records in response to your request.

The FOIA does not require an agency to either create new records, answer questions posed by requesters, or attempt to interpret a request that does not identify specific records. Agencies are required to provide access to reasonably described, non-exempt records.

As you have failed to reasonably describe the records you are seeking, your request is not a "perfected" request, and we are unable to initiate a search for responsive records. To assist you, please click the link below to access the Department of Homeland Security (DHS) regulations [6 CFR, Chapter I, Part 5, Subpart A] implementing certain provisions of the Freedom of Information Act of 1966, relating to the proper form for making a FOIA request.

DHS FOIA Regulations: http://www.dhs.gov/xlibrary/assets/FOIA_FedReg_Note.pdf
Please be advised, this is not a denial of your request. Please resubmit your request containing a reasonable description of the records you are seeking. Upon receipt of the required information, you will be advised of the status of your request. Failure to respond, within thirty (30) days from the date of this letter, will result in the administrative closure of your file.

Your request has been assigned FOIA File Numbers 20180820-20180822. If you have any questions or would like to discuss this matter, please contact this office at (202) 406-6370. Please refer to the file number indicated above in all correspondence with this office.

Sincerely,


Kim E. Campbell
Special Agent in Charge
Freedom of Information Act & Privacy Act Officer

Enclosure(s):

- Homeland Security Freedom of Information and Privacy Act Guidelines

EXHIBIT 3

Quentin L. Kopp
380 West Portal Avenue, Suite F
San Francisco, CA 94127
(415)681-5555 quentinlkopp@gmail.com

May 29, 2018

Kim E. Campbell, Special Agent in Charge
Freedom of Information Act & Privacy Act Program
Communications Center (FOIA/PA)
245 Murray Lane, Building T-5
Washington, D.C. 20223

File Numbers: 20180820-20180822

Dear Ms. Campbell,

I write in response to your May 15, 2018 letter regarding my February 27, 2018 FOIA request. My February 27 request sought documents showing:

- (1) The number of Secret Service personnel and their job descriptions accompanying Donald Trump, Jr., to and from India the week of February 18, 2018;
- (2) The cost of transportation, meals, lodging, salaries, and all other emoluments for all Secret Service personnel on such trip; and
- (3) Any rules of the Secret Service relating to justification, responsibility, and duties of Secret Service detail members on such trip, plus the dates of departure and return.

Your May 15 letter asserts that these requests are “too broad in scope” or “did not specifically identify the records” sought. Due to these purported errors, you claimed that my request has not been “perfected,” and your office is unable to initiate a search for responsive records. While you refused to search for responsive records, you also stated that your letter did not constitute a denial of my request.

I disagree with your assertion that my request is too broad and that it does not adequately identify the records sought. Pursuant to 6 C.F.R. § 5.3, a FOIA request need only describe the records sought in sufficient detail to enable Secret Service Staff to identify them with a reasonable amount of effort. There is no requirement that the request identify the specific records at issue. Indeed, such a requirement would be impossible to satisfy in most instances, as there is no way for a requester to know exactly what responsive records exist.

Although I do not believe any more specificity is required, in the interest of resolving this matter quickly, I am providing some additional details concerning each of my requests.

My first request seeks records or other documents showing the number of Secret Service personnel and their job descriptions who accompanied Donald Trump, Jr. to and from India on the week of February 18, 2018. These documents might include:

- Duty logs or rosters showing each Secret Service agent assigned to Donald Trump Jr. during the relevant period; and
- Work schedules or itineraries for Secret Service personnel assigned to Donald Trump Jr. on the week of February 18, 2018.

My second request seeks documents showing the cost of transportation, meals, lodging, salaries, and all other emoluments for all Secret Service personnel who accompanied Donald Trump, Jr. to and from India on the week of February 18, 2018. These documents might include:

- Invoices or receipts reflecting the cost of travel, including but not limited to invoices for lodging and transportation.
- Paystubs for Secret Service agents who accompanied Donald Trump Jr. on his trip; and
- Claims for reimbursement regarding purchases made by Secret Service agents who accompanied Donald Trump Jr.;
- Budgets or ledgers reflecting the costs of Donald Trump Jr.'s trip to India on the week of February 18, 2018.

My third request seeks any Secret Service rules relating to the responsibilities and duties of the members of the Secret Service detail on Donald Trump Jr.'s trip to India during the week of February 18, 2018. These documents might include:

- Any written policies and procedures relating to duties and responsibilities of Secret Service agents as they pertain to agents accompanying a family member of the President of the United States on private travel;
- Any written rules and regulations regarding the number of agents who generally accompany a family member of the President of the United States on private travel;
- Any written policies and procedures regarding how such trips are staffed in general; and

- Any written rules and regulations specifically concerning the duties of Secret Service agents who accompanied Donald Trump Jr. on his trip to and from India the week of February 18, 2018.

I request that you respond within the time required by the United States Code. I also request that any response to this letter clearly indicate whether the request is being denied.

Yours truly,



Judge Quentin L. Kopp (Ret.)